

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for indicating the allowability of the subject matter of claims 3, 12 and 20. By this Reply, in order to expedite prosecution of this matter, Applicants have amended claims 3, 12 and 20 into independent form to include the subject matter of independent claims 1, 10 and 19, respectively. Accordingly, Applicants respectively submit that claims 3, 12 and 20 are in condition for allowance. However, Applicants note that they have not canceled claims 1, 10 and 19, but rather have traversed the Examiner's rejections of these independent claims. Accordingly, Applicants further submit that no estoppel attaches to the amendments made to claims 3, 12 and 20.

Upon entry of the present amendment, the preambles of claims 1-22 will have been amended to recite allowable claims 3, 12 and 20 in independent form (discussed above) and to enhance the clarity of the claimed subject matter, without affecting the scope of the claims. Applicants respectfully submit that all pending claims are now in condition for allowance.

In the above-referenced Official Action, the Examiner rejected claims 1-2, 4-11, 13-19 and 21-22 under 35 U.S.C. § 103(a) as being as being unpatentable over NOLTING (U.S. Patent No. 6,282,267) in view of GOPAL et al. (U.S. Patent No. 4,748,658). Applicants respectfully traverse the rejections, at least for the reasons stated below.

Independent claims 1, 10, 14, 19 and 21 recite embodiments of the present invention directed to enhancing design efforts with respect to a telecommunications network by identifying misrouted traffic, using call signaling data, involving a community of interest in the network. The community of interest includes, for example, at least one tandem switch and two end office switches connected

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by a direct trunk. The embodiment includes determining whether traffic in the community of interest passed through the tandem switch during a predetermined time period and whether the direct trunk experienced an overflow condition during the same time period. When traffic did pass through the tandem switch, but the direct trunk did not experience an overflow condition during the same time period, an identifier associated with the traffic that passed through the tandem switch is identified as misrouted traffic. With this information, misrouting can be corrected and/or avoided.

In contrast, NOLTING teaches collecting signaling messages in a telecommunications network to perform various types of data analysis, but does not teach identifying misrouted data. Further, the Examiner admitted that NOLTING does not teach determining whether a direct trunk connecting switches in a community of interest experienced an overflow condition during a predetermined time period or identifying misrouted data whenever an intermediate switch (e.g., tandem switch) in the community of interest experiences traffic flow even though there was no overflow condition in the direct trunk.

Therefore, the Examiner relied on GOPAL et al., in combination with NOLTING to provide the missing subject matter. However, GOPAL et al. disclose a method for real-time routing of calls in a telecommunications network, in which a processor identifies a “target route,” giving direct routes a higher priority than indirect routes. *See* col. 5, lines 30-52. In other words, GOPAL et al. teach the real-time routing of traffic according to an algorithm that prioritizes use of direct routes, to the extent possible, over use of multi-hop routes. Accordingly, there is no motivation to combine NOLTING, which teaches collecting network data, and GOPAL et al., which teach executing routing preferences from a control network using a routing algorithm.

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Further, even if there were proper motivation to combine the references, GOPAL et al. do not teach or suggest the subject matter that the Examiner admitted was missing from NOLTING. In particular, GOPAL et al. do not teach or suggest analyzing data collected from a predetermined time period to identify traffic flow through, e.g., a tandem switch as “misrouted” traffic whenever there was no overflow condition in the corresponding direct trunk during the same predetermined time period. Because GOPAL et al. involves routing traffic in real time, it cannot teach comparing traffic flow through an intermediate switch with overflow conditions in a direct trunk during the same time period.

Accordingly, Applicants have amended the preamble of each independent claim to clarify that the claimed embodiment is directed to enabling network design, as opposed to real-time routing of call traffic pursuant to a routing algorithm. For example, Applicants have amended the preamble of claim 1 to clarify that the method is for --optimizing network trunk design by-- identifying misrouting of traffic in a telecommunications network. (The preambles of the dependent claims have likewise been amended to be consistent with the respective independent claims). Applicants submit that these amendments do not narrow or otherwise affect the scope of the claims.

Accordingly, withdrawal of the rejections based on a combination of NOLTING and GOPAL et al. is respectfully requested. With regard to dependent claims 2-9, 11-13, 15-18, 20 and 22, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claims 1, 10, 14, 19 and 21, respectively, which Applicants submit have been shown to be allowable.

In view of the herein contained amendments and remarks, Applicants respectfully request

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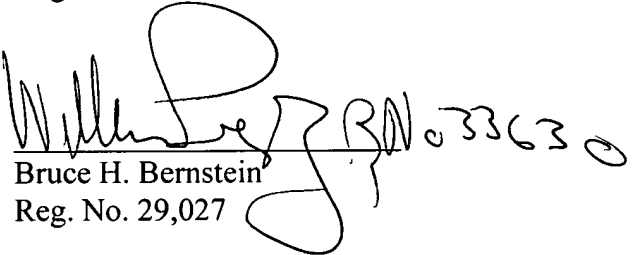
reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of April 23, 2004, together with an indication of the allowability of all pending claims, in due course.

Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims in this Reply, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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